

### **REMARKS**

Claims 1-15 and 30-45 have been cancelled without prejudice or disclaimer. New claims 56 and 57 have been added. Claims 16 and 46 have been amended. Claims 16-29 and 46-57 are currently pending. Reconsideration of the pending claims in view of the amendments and following remarks is respectfully requested.

### **SPECIFICATION**

The Office Action stated that the specification was objected to because of alterations that were not initialed and dated as required by 37 C.F.R. § 1.52(c). Applicant's representative provides the above amendment to correct all required changes to the specification. Amending the specification to correct the spelling from "lights" to "lites" is consistent with the corrective action taken in the parent application from which this application claims priority. In addition, Examiner Bashore in phone call made by Applicant's representative during the week of April 30, 2007 gave a positive indication that such approach is an acceptable solution to the Office Action objection. Accordingly, Applicant's representative believes that the specification is no longer subject to an objection and a notice to that effect is respectfully requested.

### **REJECTIONS UNDER 35 U.S.C. § 112**

The Office Action stated that claims 16 and 46 stand rejected under 35 U.S.C. § 112 second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, claims 16 and 46 were cited as lacking an antecedent basis for "the path of travel." Both claims 16 and 46 have been amended solely for the purpose of addressing the Office Action

rejection under section 112. Applicant's representative believes that such correction obviates the 112 rejection and a notice to that effect is respectfully requested.

### **REJECTIONS UNDER 35 U.S.C. § 103**

The Office Action stated that claims 16-18, 23-24, 46-49, and 52-55 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,004,309 issued to Crumbach *et al.* (hereinafter "Crumbach") in view of U.S. Patent No. 5,004,155 issued to Dashevsky (hereinafter "Dashevsky"). The Office Action further states that Crumbach fails to disclose a pump mechanism to provide the delivery from a bulk supply to the inlet and relies on Dashevsky to make up for such deficiency. *See* Office Action at page 4.

At the onset, it should be noted that Dashevsky teaches an agricultural sprayer used for spraying chemicals from a farm implement while traversing a field and that there is no motivation or suggestion to combine Dashevsky with Crumbach, which teaches a coating apparatus for coating transparent plastic. These references are non-analogous art, not only with respect to each other, but with respect to the claimed invention and therefore one skilled in the art would not have combined them and the rejection is respectfully traversed.

The CCPA (predecessor court to the Court of Appeals for the Federal Circuit) has explained the policy regarding a rejection based on the combination of nonanalogous art as follows:

[i]n resolving the question of obviousness under 35 U.S.C. 103, we presume full knowledge by the inventor of all the prior art in the field of his endeavor. However, with regard to prior art outside the field of his endeavor, we only

presume knowledge from those arts reasonably pertinent to the particular problem with which the inventor was involved. The rationale behind this rule precluding rejections based on combination of teachings of references from nonanalogous arts is the realization that an inventor could not possibly be aware of every teaching in every art.

*In re Wood*, 202 USPQ 171, 174 (C.C.P.A. 1979) (*internal citation omitted*). In addition, the Federal Circuit has clarified how to determine whether a reference is reasonably pertinent to the particular problem with which the inventor was involved. The Federal Circuit has stated that:

[a] reference is reasonably pertinent if . . . it is one which, because of the matter with which it deals, logically would have commended itself to the inventor's attention in considering his problem. . . If a reference disclosure has the same purpose as the claimed invention, the reference relates to the same problem. . . [i]f it is directed to a different purpose, the inventor would accordingly have had less motivation or occasion to consider it.

*In re Clay*, 23 USPQ2d 1058, 1060-1061 (Fed. Cir. 1992) (emphasis added). It is respectfully submitted that Dashevsky's purpose of spraying chemicals from a moving farm implement does not serve the same purpose as the present invention which is providing a controlled dispensing of material onto window components. Accordingly, the rejection based on the obviousness combination of Dashevsky and Crumbach is inappropriate.

Despite the improper combination of nonanalogous art, if combined the Dashevsky farm equipment and the coating apparatus of Crumbach fail to teach the claimed subject matter.

The M.P.E.P. sets forth the criteria for a rejection for obviousness as follows:

[t]o establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure.

*See*, MPEP § 706.02(j) *citing In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). The combination of Dashevsky and Crumbach fails to satisfy the above *prima facie* criteria set forth above and as such, the rejection is respectfully traversed.

Claim 16 features a method of controlling the dispensing of a material along a length of an elongated window component comprising moving an elongated window component along a path of travel relative to a material dispensing nozzle at a controlled speed. The method further comprises delivering the material from a bulk supply to an inlet of a metering pump having an outlet coupled to the nozzle to dispense the material from the nozzle into contact with a surface of the elongated window component. The method regulates the speed of the metering pump to control the rate of flow of the dispensed material from the nozzle.

Nowhere can Applicant's representative find any teaching or suggestion in Dashevsky and/or Crumbach of a window component as featured in claim 16. As discussed above Dashevsky teaches an agricultural sprayer for farm implements and Crumbach equally fails to teach or suggest delivering material from a bulk supply to a nozzle into contact with a window component. Crumbach only teaches adding a coating

(2) to a planar coating substrate (1). *See e.g.* Col. 3, Lines 33-35.

The combination of Dashevsky with Crumbach fails to teach or suggest all the features of claim 16, and accordingly, claim 16 is in condition for allowance and a notice to that effect is respectfully requested. Claims 17-29 depend either directly or indirectly from allowable claim 16 and are allowable as a result of their dependency and because of their own distinctive features. *See In re Fine*, 5 USPQ2d 1596, 1600 (Fed. Cir. 1988) (stating that if an independent claim is nonobvious, then any claim depending therefrom is nonobvious). Accordingly, claims 17-29 are in condition for allowance and a notice to that effect is respectfully requested.

Claim 46 features a method of controlled dispensing of a material onto a window component comprising moving a window component along a path of travel relative to a material dispensing nozzle and delivering the material from a bulk supply with a pump mechanism to an inlet of a metering pump having an outlet coupled to the nozzle to dispense the material from the nozzle into contact with a surface of the window component. The method further comprises regulating the speed of the metering pump to control the rate of flow of the dispensed material from the nozzle.

Nowhere can Applicant's representative find any teaching or suggestion in Dashevsky and/or Crumbach of a window component or a pump mechanism as featured in claim 46. As discussed above, Dashevsky and Crumbach both lack any teaching or suggestion of a window component. And the Office Action agrees that Crumbach "does not further disclose a pump mechanism to provide the delivery from bulk supply to the inlet." *See* Office Action at page 4. As a result of Crumbach deficiency, Dashevsky is

relied upon as the Office Action states, “Dashevsky discloses a pump mechanism to provide delivery from bulk supply (14) to the inlet of a pump (58).” If this is in fact true, there is nothing between the “bulk supply (14)” and the “pump (58)” that constitutes a “pump mechanism” as featured in claim 46. The only component between the “pump (58)” and the “bulk supply (14)” is a three-way valve (56) located along outlet line (54), which is far short of any “pump mechanism” featured in claim 46.

The combination of Dashevsky with Crumbach fails to teach or suggest all the features of claim 46, and accordingly, claim 46 is in condition for allowance and a notice to that effect is respectfully requested. Claims 47-51 depend either directly or indirectly from allowable claim 46 and are allowable as a result of their dependency and because of their own distinctive features. *In re Fine*, 5 USPQ2d at 1600. Accordingly, claims 47-51 are in condition for allowance and a notice to that effect is respectfully requested.

Claim 52 features a method of controlled dispensing of a material onto a window component comprising delivering the material from a bulk supply with a pump mechanism to an inlet of a metering pump having an outlet coupled to the nozzle and dispensing the material from the nozzle into contact with a surface of the window component by driving the metering pump. The method further comprises regulating the speed of the metering pump to control the rate of flow of the dispensed material from the nozzle.

For the reasons discussed above with respect to claims 16 and 46, nowhere can Applicant’s representative find any teaching or suggestion in Dashevsky and/or Crumbach of a window component or a pump mechanism as featured in claim 52.

Accordingly, claim 52 is in condition for allowance and a notice to that effect is respectfully requested. Claims 53-55 depend either directly or indirectly from allowable claim 52 and are allowable as a result of their dependency and because of their own distinctive features. *In re Fine*, 5 USPQ2d at 1600. Accordingly, claims 53-55 are in condition for allowance and a notice to that effect is respectfully requested.

The Office Action stated that claim 21 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Crumbach in view of Dashevsky as applied to U.S. Patent No. 5,932,062 issued to Manser. Claim 21 depends directly from allowable claim 16 and is allowable as a result of its dependency and because of its own distinctive features. *In re Fine*, 5 USPQ2d at 1600. Accordingly, claim 21 is in condition for allowance and a notice to that effect is respectfully requested.

The Office Action stated that claim 20 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Crumbach in view of Dashevsky in view of U.S. Patent No. 6,368,408 issued to Schuler. Claim 20 depends indirectly from allowable claim 16 and is allowable as a result of its dependency and because of its own distinctive features. *In re Fine*, 5 USPQ2d at 1600. Accordingly, claim 20 is in condition for allowance and a notice to that effect is respectfully requested.

The Office Action stated that claim 22 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Crumbach in view of Dashevsky in further view of Schuler. Claim 22 depends indirectly from allowable claim 16 and is allowable as a result of its dependency and because of its own distinctive features. *In re Fine*, 5 USPQ2d at 1600. Accordingly, claim 22 is in condition for allowance and a notice to that effect is

respectfully requested.

The Office Action stated that claims 19, 25, and 50 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Crumbach in view of Dashevsky as applied to U.S. Patent No. 4,088,522 issued to Mercier. Claims 19, 25 and 50 depend directly from allowable claim 16 and 46, respectively, and are allowable as a result of their dependency and because of their own distinctive features. *In re Fine*, 5 USPQ2d at 1600. Accordingly, claims 19, 25, and 50 are in condition for allowance and a notice to that effect is respectfully requested.

The Office Action stated that claim 29 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Crumbach in view of Dashevsky in view Manser in further view of Mercier. Claim 29 depends indirectly from allowable claim 16 and is allowable as a result of its dependency and because of its own distinctive features. *In re Fine*, 5 USPQ2d at 1600. Accordingly, claim 29 is in condition for allowance and a notice to that effect is respectfully requested.

New claims 56 and 57 have been provided and are patentable over the references cited for the reasons stated above and because of their own distinctive features. A notice that claims 56 and 57 are in condition for allowance is respectfully requested.

### **CONCLUSION**

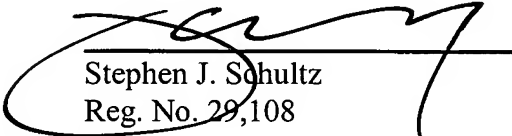
In view of the foregoing amendments and remarks, it is respectfully submitted that the invention recited by the claims in this Application is patentably distinct from the cited references and the Application is in condition for allowance. Prompt notice to that effect is respectfully requested. If necessary, the Commissioner is hereby authorized in this,



concurrent, and future replies, to charge payment or credit any overpayment to Deposit  
Account No. 20-0090 for additional fees required.

Respectfully submitted,

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